

DIAA Board of Directors' Meeting Minutes
Thursday, September 11, 2014 – 9:00 a.m.
John W. Collette Education Resource Center

I. Opening

A. Call to Order

The meeting was called to order at 9:05 a.m. by Chairperson Terre Taylor.

B. Roll Call

The following DIAA Board members were present: Terre Taylor, Curtis Bedford, Susanne Williams, Evelyn Edney, Edna Cale, Craig Eliassen, Laura Leone, Gary Cimaglia, Bradley Layfield, Robert Cilento, Susan Coffing, Mike Hart, Dr. Kevin Fitzgerald, Dr. Mark Holodick, Dr. Robert Walter, and Nils Marcune. Kevin Charles, Executive Director, Paula Fontello, Deputy Attorney General, Dr. Susan Haberstroh, and DIAA staff Thomas Neubauer and Tina Hurley was also in attendance. Willie Savage, Leroy Mann, and Ron Eby were unable to attend.

C. Approval of Agenda

Dr. Bradley Layfield made a motion to approve the agenda. The motion was seconded by Mr. Hart and carried unanimously.

D. Approval of Minutes of DIAA August 14, 2014 Board Meeting

Mr. Cilento made a motion to approve the minutes of the August 14, 2014 Board meeting. The motion was seconded by Mr. Hart and carried unanimously.

E. DIAA Financial Report

Mr. Charles reported that we are still working with DOE to create financial reports for DIAA. Mr. Charles did report that the revenue received so far for this year was \$46,187 which was from corporate contracts and from the boys lacrosse tournament. Mr. Charles reported that the deficit at this time is \$25,586.00 which is normal for this time of year. Dr. Layfield made a motion to approve the financial report. The motion was seconded by Mr. Eliassen and carried unanimously.

II. Public Comment

None

III. A. Approval of Tournament Sanctions

Mr. Charles reported that there are 23 events to be sanctioned including 14

cross country, 2 volleyball, 4 wrestling, 1 soccer, 1 indoor track and field, and 1 basketball. All appear to be in compliance with DIAA and NFHS regulations. Mr. Hart made a motion to approve the sanction events. The motion was seconded by Mr. Cimaglia and carried unanimously.

E. Self-Report by Glasgow High School

Mr. Charles explained that three schools appeared to be practicing with shoulder pads before the allowable date. Two schools were legal because they were given permission to begin practice a day early as participants in the DFRC Kick Off Classic. However, one school was not. Mr. Charles reported that Glasgow High School was the school in violation and that the school athletic director investigated and self-reported. Mr. Charles stated that this needs to be emphasized better to the coaches. Mr. Charles stated that this was brought to his attention by an article in the News Journal and a complaint from a father. Ms. Cale made a motion to accept the self-report. The motion was seconded by Dr. Walter and carried unanimously.

IV. Executive Director Report

A. Legal Report

Ms. Fontello reported that she had no legal matters to discuss at this point.

B. Misc.

Mr. Charles reported that he has started the process with the Governor's office regarding reappointment and new appointments of Board members. Mr. Charles reviewed and confirmed times with Board members.

III. B. Request by Smyrna HS for Waiver of 1009.2.4 for DIAA 2014-9-1

Student, Student's mother and Bill Schultz; athletic director at Smyrna High School were in attendance to present this request. Student's mother requested a closed hearing. Mr. Hart made a motion to go into executive session at the mother's request for the purposes of protecting the privacy of the pupil file as an exception to the Freedom of Information Act. The motion was seconded by Mr. Eliassen and carried unanimously.

While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. Ms. Fontello explained that DIAA is a 20 member Board and has 19 voting members. Ms. Fontello further explained that the law requires the affirmative vote of a majority of the voting members present in order to pass a waiver request. Ms. Fontello explained that there was less than a full Board present and there were only 15 voting members present and participating to consider the matter. The parties confirmed that

they understood and wished to proceed with less than the full Board present. All persons participating in this hearing were sworn in. All the documentation was made part of the record and in addition to the testimony given the Board considered and relied upon the written documentation provided.

While in executive session, the hearing proceeded and evidence was taken and deliberations were held. Dr. Layfield made a motion to go into deliberation. The motion was seconded by Ms. Coffing and carried unanimously. Mr. Cilento made a motion to come out of deliberation. The motion was seconded by Dr. Layfield and carried unanimously. Dr. Layfield made a motion to come out of executive session. The motion was seconded by Ms. Coffing and carried unanimously.

Dr. Layfield made a motion to grant Student's request based on the evidence presented Student met the burden of establishing a hardship and the information provided regarding the hardships were beyond the control of the student, family, and school. The motion was seconded by Ms. Cale and carried by a vote of 12 – yes (Taylor, Bedford, Williams, Edney, Cale, Leone, Layfield, Cilento, Coffing, Hart, Fitzgerald, and Holodick) and 3 – no (Eliassen, Cimaglia, and Walter). Nils Marcune arrived after the hearing began and did not participate in the hearing.

The Board recessed at 10:00 a.m. and reconvened at 10:10 a.m.

C. Request by William Penn HS for Waiver of 1009.2.4 for DIAA 2014-9-2

Student, Student's mother and father were in attendance to present this request. Student's parents requested a closed hearing. A representative from the school was not present. Mr. Hart made a motion to go into executive session at the parent's request for the purposes of protecting the privacy of the pupil file as an exception to the Freedom of Information Act. The motion was seconded by Mr. Marcune and carried unanimously.

While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. Ms. Fontello explained that DIAA is a 20 member Board and has 19 voting members. Ms. Fontello further explained that the law requires the affirmative vote of a majority of the voting members present in order to pass a waiver request. Ms. Fontello explained that there was less than a full Board present and there were only 16 voting members present and participating to consider the matter. The parties confirmed that they understood and wished to proceed with less than the full Board present. All persons participating in this hearing were sworn in. All the documentation was made part of the record and in addition to the testimony given the Board considered and relied upon the written documentation provided.

While in executive session, the hearing proceeded and evidence was taken and deliberations were held. Mr. Marcune made a motion to go into deliberation. The motion was seconded by Mr. Hart and carried unanimously. Mr. Marcune made a motion to come out of deliberation. The motion was seconded by Ms. Leone and carried unanimously. Mr. Cilento made a motion to come out of executive session. The motion was seconded by Dr. Fitzgerald and carried unanimously.

Dr. Holodick made a motion to grant Student's request based on the evidence presented Student met the burden of establishing a hardship and the information provided regarding the hardships were beyond the control of the student, family, and school. The motion was seconded by Ms. Coffing and carried by a vote of 13 – yes (Taylor, Williams, Edney, Cale, Leone, Cimaglia, Cilento, Coffing, Hart, Fitzgerald, Holodick, Walter, and Marcune) and 3 – no (Bedford, Eliassen, and Layfield).

D. Request by AI DuPont HS for Waiver of 1009.2.4 for DIAA 2014-9-3

Evelyn Edney left before the hearing began and did not participate. Student, Student's mother and father were in attendance to present this request. Student's parents requested a closed hearing. A representative from the school was not present. Mr. Hart made a motion to go into executive session at the parent's request for the purposes of protecting the privacy of the pupil file as an exception to the Freedom of Information Act. The motion was seconded by Mr. Marcune and carried unanimously.

While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. Ms. Fontello explained that DIAA is a 20 member Board and has 19 voting members. Ms. Fontello further explained that the law requires the affirmative vote of a majority of the voting members present in order to pass a waiver request. Ms. Fontello explained that there was less than a full Board present and there were only 15 voting members present and participating to consider the matter. The parties confirmed that they understood and wished to proceed with less than the full Board present. All persons participating in this hearing were sworn in. All the documentation was made part of the record and in addition to the testimony given the Board considered and relied upon the written documentation provided.

While in executive session, the hearing proceeded and evidence was taken and deliberations were held. Ms. Leone made a motion to go into deliberation. The motion was seconded by Dr. Walter and carried unanimously. Mr. Marcune made a motion to come out of deliberation. The motion was seconded by Dr. Layfield and carried unanimously. Dr. Layfield made a motion to come out of executive session. The motion was seconded by Mr. Marcune and carried

unanimously.

Ms. Coffing made a motion to grant Student's request based on the evidence presented Student met the burden of establishing a hardship and the information provided regarding the hardships were beyond the control of the student, family, and school. The motion was seconded by Dr. Walter and carried by a vote of 15 – yes (Taylor, Bedford, Williams, Cale, Eliassen, Leone, Cimaglia, Layfield, Cilento, Coffing, Hart, Fitzgerald, Holodick, and Walter)

IV. Executive Director Report

B. Misc.

Mr. Charles reported on Senate Bill 205, the Grace Firestone Act and reported that the Governor signed the bill.

Mr. Charles advised the Board that Moyer Academy was recommended for closure by the State Charter Accountability Committee effective the end of the 2014-15 school year. This is only a recommendation by the Committee and the Board will be updated if further action is taken.

Ms. Taylor questioned why the DIAA Board doesn't have more involvement with conference alignment. After some discussion a committee to review the conferences in Delaware was formed. Board members Mike Hart, Gary Cimaglia, and Bob Cilento volunteered to serve on this committee.

V. Other

VI. Public Comment

None.

VII. Adjournment

Ms. Cale made a motion to adjourn at 12:45 p.m. The motion was seconded by Mr. Cilento and carried unanimously.

Tina Hurley